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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Application Number	10/054,462	RECEIVED
Filing Date	01/22/2002	JUL 02 2003
First Named Inventor	Michelangelo Scalpone	
Art Unit	1626	
Examiner Name	R. Anderson	TECH CENTER 1600/2900
Total Number of Pages in This Submission	20826 US	
Attorney Docket Number	20826 US	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	John P. Parise
Signature	
Date	June 27, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on this date: June 27, 2003

Typed or printed	John P. Parise
Signature	
Date	June 27, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Patent Application

JUL 02 2003

TECH CENTER 1600/2900

Inventors: Michelangelo Scalzone and Thomas Albert Zeibig Group: 1626

Serial No. 10/054,462, filed January 22, 2002

Examiner: R. Anderson

For: Process for Preparing Heterocyclic Indene Analogs

COMMUNICATION

Nutley, New Jersey 07110
June 27, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Communication is filed in response to the March 28, 2003 Office Action issued in connection with the above-identified patent application. A response to this Office Action was originally due April 28, 2003. A two-month extension of time is being requested concurrently. Accordingly, a response to this Office Action is now due June 28, 2003.

In the Office Action restriction was required under 35 U.S.C. § 121. Specifically, there are allegedly three independent and distinct groups of inventions. Group I includes claims 1-31, a process for making the compound of formula I. Group II includes claim 32, a process for making 1-(9H-carbazol-4-yloxy)-3-[[2-(2-methoxyphenoxy)ethyl]amino]-2-propanol. Group III includes the compound of formula IIa.

Communication
Application No. 10/054,462
Filed: January 22, 2002

In response to this restriction requirement, applicants elect, with traverse, to prosecute at this time the invention of Group I, claims 1-31. Applicants traverse this restriction since it would not be a serious burden on the Examiner to search all of the claims at this time. In particular, the process of Group I embraces the first step in the process of Group II. Thus, if the claims of Group I are patentable, then the claim of Group II must be patentable. Moreover, Group I and Group II are directed to processes that are patentable in and of themselves. Applicants are not relying upon the patentability of the compound produced in order to achieve patentability of the claimed processes.

The Office Action also mandated that applicants elect a single species. In response to this election requirement, applicants elect the process wherein the compound of formula I is where R¹ and R² are hydrogen and X is NH.

In summary, applicants request reconsideration and withdrawal of the restriction requirement.

If a telephone conference would be of assistance in furthering prosecution, applicants request that the undersigned attorney be contacted at the number below.

Communication
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Filed: January 22, 2002

No fee, other than the fee for a two-month extension of time, is required in connection with the filing of this Communication. If any fees are deemed necessary, authorization is given to charge the amount of any such fee to Deposit Account No. 08-2525.

Respectfully submitted,

Attorney for Applicant(s)
John P. Parise
(Reg. No. 34.403)
340 Kingsland Street
Nutley, New Jersey 07110
Telephone: (973) 235-6326
Telefax: (973) 235-2363

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